

### **REMARKS**

Applicants respectfully request reconsideration of the objections and rejections in light of the following remarks.

#### **Status of the Claims**

Claims 1, 4, 5, 9, and 20 have been amended. Claims 1-14, 20, and 21 remain pending.

#### **Objections to the Specification**

The examiner objected to the specification because legal phraseology often included in patent claims should be avoided. The term "comprises" has been replaced with the term "includes" to correct the abstract.

#### **Rejections Under 35 U.S.C. § 112**

Claims 4, 5, 9, 20, and 21 stand rejected under 35 U.S.C § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Because the claims have been amended, applicants respectfully traverse these rejections.

Claims 4, 5, and 9 have been amended to recite in part, "said calibration signal," which clearly indicates that the "calibration signal" referred to in the claims is the same signal as referenced in claim 1. For at least this reason, applicants request the examiner withdraw the 35 U.S.C. § 112, second paragraph rejection of claims 4, 5, and 9 and allow these claims.

Independent claim 20 has been amended so as to recite in part, "wherein the communication device is configured to calibrate the AGC by performing for each AGC gain setting an iterative process." Thus, claim 20 refers to an apparatus which must be configured so as to be able to perform the iterative process. Actual performance of the steps of the iterative process is not part of the claim. Hence, claim 20 is only an apparatus claim and not a process claim. Dependent claim 21 is also an apparatus

claim. For at least this reason, independent claim 20 along with its dependent claim 20 are allowable under 35 U.S.C. § 112, second paragraph.

**Rejections Under 35 U.S.C. § 102**

Claims 1-8, 10-14 and 20-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,031,669 (hereinafter "Vaidyanathan"). The applicants respectfully traverse these rejections as Vaidyanathan fails to teach or suggest every limitation of the claims.

Amended independent claim 1 recites in part, "repeating the transmitting, receiving, decoding, storing, and changing operations to determine an optimal AGC gain setting." The examiner asserts that Vaidyanathan discloses a method for calibrating an AGC and points to Vaidyanathan, Fig. 3 and col.7 lines 44+, as teaching this limitation. However, Vaidyanathan fails to teach or suggest the idea of ever calibrating an AGC and is not concerned with determining the optimal AGC gain setting as required by claim 1. Vaidyanathan is solely concerned with correcting phase and amplitude offsets in a MIMO radio device (col. 1, lines 60-66). Vaidyanathan contemplates using variable gain amplifiers in the transceiver; however, this is contemplated solely in terms of finding phase and amplitude correction values for each gain setting (col. 7, lines 43-64). This information is used in calibrating the MIMO device to account for phase and amplitude offsets (col. 8, lines 10-18). Nowhere in Vaidyanathan is there any contemplation of determining an optimal AGC gain setting or calibrating the AGC itself. For at least this reason, independent claim 1 and its dependent claims 2-9 are allowable over Vaidyanathan.

Similarly, independent claim 10 recites in part, "wherein the AGC is calibrated by way of an iterative process," and independent claim 20 recites in part, "wherein the communication device is configured to calibrate the AGC by performing for each AGC gain setting an iterative process." As previously explained, Vaidyanathan fails to disclose any type of calibration of an AGC. For at least this reason, independent claims 10 and 20, along with their dependent claims, 11-14 and 21 are allowable over Vaidyanathan.

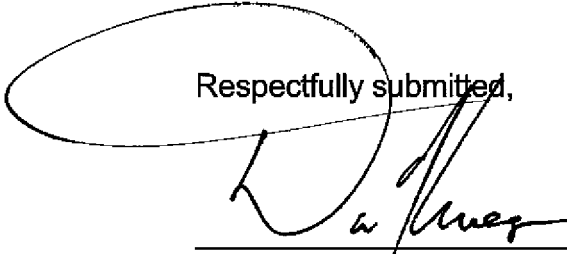
**Rejections Under 35 U.S.C. § 103**

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Vaidyanathan in view of U.S. Patent Application 2004/0198276 A1 (hereinafter "Tellado"). Claim 9 depends from independent claim 1, which recites in part, "repeating the transmitting, receiving, decoding, storing, and changing operations to determine optimal AGC gain setting." As explained previously, Vaidyanathan fails to teach or suggest this limitation. Tellado appears to lack any teaching whatsoever regarding calibration of an AGC to determine an optimal gain setting. Thus, neither piece of prior art cited by the examiner, alone or in combination, teach or suggest determining an optimal AGC gain setting as required by the claims. For at least this reason, independent claim 1 (and hence its dependent claims 2-9) is patentable over the cited art.

**CONCLUSION**

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Texas Instruments Inc.'s Deposit Account No. 20-0668.

Respectfully submitted,



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